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Message Text

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REFS: A. MADRID 7104; B. MADRID 6624

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1. SUMMARY. DURING CONSULTATIONS OCTOBER 14-16, GOS DEL ATTEMPTED TO DISSUADE U.S. DEL THAT ITEMS ON U.S. PRODUCT LIST HAD SUFFERED SIGNIFICANT ADVERSE EFFECT AND THAT, EVEN IF LIST PRODUCTS HAD SUFFERED OR WOULD SUFFER A

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SIGNIFICANT ADVERSE EFFECT, THEY COMPRISE JUST OVER 7 PERCENT OF TOTAL U.S. EXPORTS, SO SIGNIFICANT ADVERSE EFFECT ON U.S. COMMERCE WOULD NOT EXIST. U.S. DEL HELD FIRMLY TO ITS POSITION THAT, IN ACCORDANCE WITH PROVISIONS OF TRADE ACT AND UNILATERAL NATURE OF GSP, INTERPRETATION OF WHAT CONSTITUTES OR IS LIKELY TO CONSTITUTE SIGNIFICANT ADVERSE EFFECT ON U.S. COMMERCE ULTIMATELY IS DECISION FOR USG ALONE TO MAKE. ACTIONS WHICH ISRAEL HAS AGREED TO TAKE ON REVERSE PREFERENCES AND ATTITUDE OF U.S. CONGRESS PROVIDE IMPORTANT FRAMEWORK FOR OUR POSITION. CONSULTATIONS WERE NOTABLE FOR FRIENDLY, OPEN ATMOSPHERE THROUGHOUT. GOS DEL RETURNED TO MADRID TO BEGIN INTER-AGENCY AND PRIVATE SECTOR CONSULTATION PROCESS (REF B) TO EXAMINE FEASIBILITY OF EFFECTING MFN TARIFF REDUCTIONS ON AS MANY ITEMS ON U.S. LIST AS POSSIBLE AND ALSO TO SEE WETHER TARIFFS ON OTHER ITEMS NOT ON U.S.LIST, BUT ALSO SUFFERING OR LIKELY TO SUFFER A SIGNIFICANT ADVERSE EFFECT, COULD BE REDUCED TO ENHANCE THE GOS COMMITMENT. CONSULTATIONS ARE EXPECTED TO RESUME IN WASHINGTON IN TWO TO THREE WEEKS. ON OCTOBER 17, FOLLOWING ADJOURNMENT OF CONSULTATIONS, BASSOLS CALLED ON COMMERCE UNDERSECRE-TARY JOHN A. BAKER, III AND DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL TRADE POLICY MAYNARD W. GLITMAN. IN THE LATTER MEETINGS--BUT NOT IN THE CONSULTATIONS-- BASSOLS PLACED HEAVY STRESS ON THE IMPORTANCE OF GSP TO USG/GOS POLITICAL RELATIONSHIP. HOWEVER, THERE WAS NO NOTABLE ALLUSION TO DIVERSION OF U.S. EXPORTS AT ANY TIME, NOR DID SPANISH PRESS LINKAGE OF GSP TO THE ECO-NOMIC COOPERATION AGREEMENT. THIS TELEGRAM INCLUDES A DRAFT NOTE PRESENTED TO THE SPANISH EMBASSY ON OCTOBER 11 AND EXCERPTS OF THE U.S. DEL CO-CHAIRMAN'S OPENING STATEMENT. END SUMMARY.

2. THE CONSULTATIONS HAD THREE PLENARY SESSIONS AND ONE TECHNICAL SESSION. AT THE OUTSET, BASSOLS TOUCHED RATHER GENTLY ON THE POINTS IN HIS STATEMENT (INFORMAL TRANSLATION POUCHED TO EMBASSY) REGARDING THE HIGHER

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LEVEL OF DEVELOPMENT OF SOME OTHER COUNTRIES WHICH THE U.S. HAS ALREADY DESIGNATED AS GSP BENEFICIARIES AND THE RAPID RECENT INCREASE IN U.S. EXPORTS TO SPAIN DESPITE THE EC-SPAIN AGREEMENT AND IN THE ABSENCE OF RESTRICTIONS BY SPAIN. IT SOON BECAME CLEAR THAT THE GOS DEL HAD COME PREPARED TO TRY TO CONVINCE US THAT--BASED ON THE LIST OF 64 PRODUCTS IN STATE 214531--IT COULD BE DEMONSTRATED THAT THERE HAD BEEN NO PROVEN TRADE DIVERSION AND THUS "NO SIGNIFICANT ADVERSE EFFECT ON U.S. COMMERCE" AS A RESULT OF THE REVERSE PREFERENCES. U.S. DEL SOUGHT TO CONVINCE THE GOS DEL THAT THE USG DOES NOT INTEND TO NEGOTIATE THE LIST OF PRODUCTS,

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WHICH REPRESENTED ONLY THOSE ITEMS ON WHICH WE HAVE CLEARLY DETERMINED THERE IS OR IS LIKELY TO BE SIGNIFICANT ADVERSE EFFECT, AND THAT USG DECISIONS REGARDING ACTUAL OR LIKELY SIGNIFICANT ADVERSE EFFECT MUST ULTIMATELY BE UNILATERAL. ON THE OTHER HAND, THE U.S. DEL TRIED TO INDICATE THAT SUCH FLEXIBILITY THAT WE MAY HAVE IS IN THE AREAS OF THE TIMING AND DEGREE OF MFN REDUCTIONS ON THE IDENTIFIED ITEMS. WITHIN THIS FRAMEWORK, IT WAS CLEAR ON OCTOBER 15 THAT GOS DEL REQUIRED FURTHER INSTRUCTIONS. GOS DEL'S EFFORTS TO REACH MINISTER CERON BY TELEPHONE WERE UNSUCCESSFUL BECAUSE HE WAS OUT OF THE COUNTRY.

3. GOS DEL PROPOSED ON OCTOBER 15 THAT THEY RETURN TO MADRID AND BEGIN INTERAGENCY AND PRIVATE SECTOR CONSULTA-

TIONS (REF B). GOS WOULD WORK ALONG FOLLOWING LINES:

A. CONSIDER FIRST ON WHAT PRODUCTS ACTION MAY BE REQUIRED NOW IN ORDER TO REDUCE MARGIN OF PREFERENCE TO FIVE PERCENTAGE POINTS. (SEE U.S. DEL PROPOSAL IN STATEMENT EXCERPTS.) SINCE 22 ITEMS WILL HAVE A FIVE PERCENTAGE POINT MARGIN OR LESS ON JANUARY 1, 1976, ATTENTION WOULD BE FOCUSED ON THE REMAINING 40 ITEMS. (N.B.: TWO TOBACCO ITEMS WERE DROPPED FROM U.S. PRODUCT LIST ON THE BASIS OF GOS DEL STATEMENT THAT NO PREFERENCES WERE GRANTED TO EC IN PENINSULAR SPAIN OR IN CANARY ISLANDS.)

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B. FOR REMAINING 40 ITEMS, REDUCE MFN TARIFFS WHEREVER POSSIBLE AND BY AS MUCH AS POSSIBLE TOWARD FIVE PERCEN-TAGE POINT CRITERION.

C. FOR PARTICULARLY DIFFICULT ITEMS; GOS WOULD UNDER-TAKE TO TAKE U.S. INTEREST INTO ACCOUNT IN FURTHER NEGOTIATIONS OR DISCUSSIONS WITH THE EC AS SOON AS POSSIBLE WITH THE OBJECTIVE OF ELIMINATING THE MARGIN OF PREFERENCE.

D. FOR CERTAIN PRODUCTS, LEAVE OPEN THE POSSIBILITY OF SPAIN CONVINCING THE USG THAT NO SIGNIFICANT ADVERSE EFFECT EXISTS OR IS LIKELY TO OCCUR IN THE FUTURE. U.S. DEL STRESSED, HOWEVER THAT HIGH STANDARD OF PROOF WOULD BE REQUIRED.

4. THE U.S. DEL AGREED THAT THE GUIDELINES OFFERED A BASIS FOR FURTHER GOS CONSIDERATION. HOWEVER TO THE EXTENT THE U.S. REQUIREMENTS WERE MET WITH SUFFICIENTLY LARGE MFN REDUCTIONS, IT WOULD BE EASIER TO SHOW

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FLEXIBILITY WITH RESPECT TO TIMING OF THESE REDUCTIONS.
THE U.S. SUGGESTED THREE OTHER POINTS FOR GOS CONSIDERATION:

A. USG WILL NEED A CLEAR IDEA AT THE NEXT CONSULTATIONS OF WHAT THE GOS WILL EXPECT TO DO ON JANUARY 1, 1977 WHEN THE LAST STAGE OF THE EC AGREEMENT GOES INTO EFFECT.

B. THE GOS COULD CONSIDER SEEKING MODIFICATION OF THE PRESENT EC-SPAIN AGREEMENT TO MEET 1977 REQUIREMENTS.

C. THE USG WILL NEED A COMMITMENT THAT PRODUCTS NOT PRESENTLY ON THE PRODUCT LIST MAY BE ADDED--PARTICULARLY AFTER THE GOS MODIFIES THE RELATIONSHIP BETWEEN THE MFN AND EC RATES EITHER WITHIN THE PRESENT AGREEMENT OR IN A SUBSEQUENT AGREEMENT.

5. DRAFT NOTE FOLLOWS: THE MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES AND HAS THE HONOR TO REFER TO THE CONSULTATIONS BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE
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UNITED STATES ON OCTOBER 14-16, 1975.

IT WILL BE RECALLED THAT THE CONSULTATIONS CONCERNED THE PROVISIONS OF THE TRADE ACT OF 1974, SPECIFICALLY, THE PROVISIONS DEALING WITH THE GENERALIZED SYSTEM OF PREFERENCES.

IN RELATION TO THE SUBJECT OF THE CONSULTATIONS, THE MINISTRY IS IN A POSITION TO CONVEY TO THE EMBASSY THE FOLLOWING ASSURANCES BY THE GOVERNMENT OF SPAIN TO THE GOVERNMENT OF THE UNITED STATES:

1. AS A STEP TOWARD ELIMINATING THE PREFERENTIAL MARGINS THAT PRESENTLY EXIST AFFECTING UNITED STATES EXPORTS TO SPAIN, THE GOVERNMENT OF SPAIN WILL REDUCE MFN TARIFFS TO THE RATES IN THE ACCOMPANYING LIST ON OR BEFORE JANUARY 1, 1976.

2. FURTHERMORE, IT IS THE INTENTION OF THE GOVERNMENT OF SPAIN TO AVOID ANY SIGNIFICANT ADVERSE EFFECTS IN THE FUTURE ON UNITED STATES EXPORTS TO SPAIN THAT MAY RESULT FROM THE 1970 AGREEMENT BETWEEN SPAIN AND THE EUROPEAN COMMUNITIES OR FROM ANY FUTURE AGREEMENT BETWEEN SPAIN AND THE EUROPEAN COMMUNITIES OR ANY OTHER DEVELOPED COUNTRY. TO THAT END, AND ALSO BEARING IN MIND THE PROVISIONS OF SECTION 502(B)(3) OF THE TRADE ACT, THE GOVERNMENT OF SPAIN WILL REDUCE TARIFFS ON A MOST-FAVORED-NATION BASIS TO THE LEVEL APPLIED TO PRODUCTS OF

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THE EUROPEAN COMMUNITIES ON ALL ITEMS APPEARING IN THE ACCOMPANYING LIST WHICH MEET THE FOLLOWING CRITERIA:
A. THAT IMPORTS FROM THE UNITED STATES IN THE MOST RECENT CALENDAR YEAR FOR WHICH STATISTICS ARE AVAILABLE EXCEEDED 250,000 DOLLARS, ON THE BASIS OF THE FOUR DIGIT SPANISH NOMENCLATURE IN FORCE ON JULY 1, 1975.
B. THAT THE SHARE OF THE EUROPEAN COMMUNITIES IN THE TOTAL OF SPANISH IMPORTS WAS AT LEAST 10 PERCENT DURING THE MOST RECENT CALENDAR YEAR.

THESE REDUCTIONS OF THE TARIFFS SHALL BE IMPLEMENTED WITHIN THREE MONTHS OF PUBLICATION OF SPAIN'S OFFICIAL IMPORT TRADE STATISTICS FOR THE PREVIOUS YEAR BEGINNING
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WITH THE PUBLICATION OF SUCH STATISTICS FOR THE CALENDAR YEAR 1975 AND EACH YEAR THEREAFTER, BUT NO LATER THAN JULY 1 OF THE YEAR AFTER THE GIVEN CALENDAR YEAR.

3. TARIFFS ON ALL OTHER ITEMS WHICH MAY BE OF PARTICULAR IMPORTANCE TO THE UNITED STATES, BUT WHICH DO NOT QUALIFY FOR REDUCTIONS UNDER PARAGRAPH 2 ABOVE, WILL BE REDUCED IF UNITED STATES TRADE IN SUCH ITEMS WOULD OTHERWISE BE ADVERSELY AFFECTED IN SIGNIFICANT MEASURE. SUCH REDUCTIONS SHALL BE IMPLEMENTED WITHIN THREE MONTHS OF PUBLICATION OF SPAIN'S OFFICIAL IMPORT TRADE STATISTICS FOR THE PREVIOUS YEAR, BEGINNING WITH THE PUBLICATION OF SUCH STATISTICS FOR THE CALENDAR YEAR 1975

AND EACH YEAR THEREAFTER, BUT NO LATER THAN JULY 1 OF THE YEAR AFTER THE GIVEN CALENDAR YEAR.

4. FURTHERMORE, AT THE REQUEST OF EITHER COUNTRY, JOINT REVIEWS WILL BE HELD TO CONSIDER THE ADDITION OF PRODUCTS TO THE ACCOMPANYING LIST OR THEIR REMOVAL FROM IT. SIMILARLY, AT THE REQUEST OF EITHER COUNTRY, DISCUSSIONS WILL BE HELD ON SUCH RELEVANT FACTORS AS THE INTERPRETATION OF THE ABOVE-MENTIONED REQUIREMENTS OF THE TRADE ACT AND THE POSSIBLE IMPACT OF INFLATION ON THE CRITERIA ENUMERATED.

THE MINISTRY OF FOREIGN AFFAIRS AVAILS ITSELF OF THE OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES ITS ASSURANCES OF ITS HIGHEST CONSIDERATION.

6. EXCERPTS OF U.S. PRESENTATION FOLLOW. THE PRESIDENT MAY, HOWEVER, DESIGNATE A COUNTRY AS A BENEFICIARY DEVELOPING COUNTRY, IF HE RECEIVES ASSURANCES THAT A COUNTRY IS TAKING STEPS TOWARD ELIMINATING THE SIGNIFICANT ADVERSE EFFECTS ON U.S. COMMERCE OF SUCH PREFERENTIAL TREATMENT BY JANUARY 1, 1976.

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THERE ARE SOME SIMILARITIES--AND SOME DIFFERENCES--
IN THE SITUATION THE GOVERNMENT OF SPAIN FACES AND IN
THE SITUATION THE GOVERNMENT OF ISRAEL HAS FACED. IN OUR
CONSULTATIONS WITH ISRAEL, WE PRESENTED THE ISRAELI
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GOVERNMENT WITH A LIST SIMILAR TO THE LIST YOU RECEIVED.
THE GOVERNMENT OF ISRAEL HAS INCLUDED 133 OF 136 TARIFF
ITEMS IN ITS COMMITMENT TO US. WE EXPECT TO EXCHANGE
SOON THE NOTES WHICH WILL EMBODY ASSURANCES WHICH WE
BELIEVE WILL BE SATISFACTORY TO THE PRESIDENT.

THERE IS, HOWEVER, A SIGNIFICANT PROBLEM IN THE CASE
OF SPAIN. THE PREFERENTIAL TARIFFS APPLIED TO THE PRO-
DUCTS OF THE EUROPEAN COMMUNITIES--UNDER THE 1970
AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND SPAIN
--SEEM CALCULATED AS A PERCENTAGE OF THE SPANISH MOST-
FAVORED-NATION TARIFF. IN THE CASE OF ISRAEL, THE

PREFERENTIAL TARIFFS ARE ASSOCIATED WITH THE MOST-FAVORED-
NATION TARIFFS ON A SPECIFIC DATE IN THE PAST. ACCORDING-
LY, WE RECOGNIZE THAT SPAIN WILL BE UNABLE TO ELIMINATE
PREFERENTIAL MARGINS, UNLESS ITS MFN TARIFF IS REDUCED
TO ZERO. WE HOPE THAT IN THE FUTURE SPAIN WILL BE ABLE TO
OBTAIN THE NECESSARY FLEXIBILITY TO ELIMINATE COMPLETELY
THE PREFERENCE MARGINS ON U.S. EXPORTS SUFFERING SIGNIFI-
CANT ADVERSE EFFECTS. WE NEED A COMMITMENT TO ELIMINATE
SUCH PREFERENTIAL MARGINS, BUT WE APPROACH THIS PROBLEM
REALISTICALLY AND WE WOULD WELCOME THE VIEWS OF THE
GOVERNMENT OF SPAIN ON THE PROSPECTS FOR OBTAINING THE
NECESSARY FLEXIBILITY.

OUR APPROACH TO THE PROBLEM OF ACHIEVING THE NECESSARY
ACTION BY JANUARY 1 IS EMBODIED IN THE DRAFT NOTE
YOU WERE GIVEN WHEN YOU ARRIVED. THE NOTE IS SIMILAR IN
FORMAT AND CONTENTS TO THE NOTE ISRAEL WILL GIVE US.

THE FIRST STEP IS DUTY REDUCTIONS BY JANUARY 1. WE
PROPOSE THAT ON THE PRODUCTS IN THE PRODUCT LIST, THE MFN
TARIFF SHOULD BE REDUCED SO THAT THERE WILL BE NO MORE
THAN A FIVE PERCENTAGE POINT DIFFERENCE BETWEEN THE
TARIFF APPLIED TO THE PRODUCTS OF THE EUROPEAN ECONOMIC
COMMUNITY AND THE PRODUCTS OF THE UNITED STATES.

AS A SECOND STEP, WE HOPE THAT SPAIN WILL BE IN A
POSITION TO SET A REALISTIC DATE FOR COMPLETE ELIMINA-
TION OF TARIFF PREFERENCES ON THE PRODUCTS ON THE LIST
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AND ON SUCH OTHER PRODUCTS AS MAY BE AGREED IN THE FUTURE. THE DRAFT NOTE YOU RECEIVED REFERS TO THE DATE OF JULY 1, 1976, AS THE DATE BY WHICH TARIFF CHANGES BASED ON 1975 TRADE DATA WOULD HAVE TO BE IMPLEMENTED. WE ARE NOT TIGHTLY BOUND TO THAT DATE FOR THE INITIAL PERIOD. WE WOULD ENTERTAIN SPANISH VIEWS ON WHEN WOULD BE A MORE APPRO-PRIATE DATE.

THE CRITERIA IN PARAGRAPH 2 OF THE DRAFT NOTE WOULD, OF COURSE, APPLY TO THE AGREED PRODUCT LIST. I WOULD STRESS THAT WE WOULD REQUIRE ASSURANCES THAT INCORPORATE A RELATIVELY AUTOMATIC COMMITMENT TO TARIFF PARITY WITH THE EUROPEAN COMMUNITIES. WE HAVE CAREFULLY SELECTED THE PRODUCTS ON THE BASIS OF SIGNIFICANT COMPETITION BETWEEN U.S. AND EC PRODUCERS.

WE SHOULD NOT IGNORE THE POSSIBILITY THAT SPAIN MAY PREFER TO WAIT UNTIL ITS NEGOTIATIONS WITH THE EC ARE COMPLETED BEFORE TAKING THE NECESSARY ACTIONS TO REMOVE THE PROSCRIPTION OF SECTION 502(B) OF THE TRADE ACT. IT WILL ALWAYS BE POSSIBLE TO RECOMMEND THAT THE PRESIDENT

DESIGNATE SPAIN A BENEFICIARY FOR GSP AFTER REVERSE PREFERENCES ARE REMOVED. WE CAN CLOSELY COORDINATE THE TIMING. END OF EXCERPTS.

7. EMBASSY SHOULD MONITOR AND REPORT FREQUENTLY ON GOS FOLLOW UP TO CONSULTATIONS. BASSOLS EXPRESSED STRONG AGREEMENT THAT IT WOULD BE HIGHLY DESIRABLE IF WASHINGTON OFFICIALS COULD COME TO MADRID BEFORE THE NEXT CON-SULTA-TIONS IN ORDER TO JUDGE WHETHER GOS EFFORT WILL BE "IN THE BALL PARK." AT THE PRESENT TIME, SUCH A VISIT APPEARS UNLIKELY. LANDE MAY ATTEND GENEVA MTN MEETINGS THIS WEEK OR NEXT. HE WILL PHONE EMBASSY (KENT GOODSPEED) IF A STOP IN MADRID IS POSSIBLE.

8. WE EXPECT NEXT LIST OF GSP BENEFICIARIES WILL BE ANNOUNCED AROUND NOVEMBER 15. SPAIN IS NOT EXPECTED TO BE INCLUDED. HOWEVER, AS GOS DEL WAS TOLD, SPAIN COULD BE ADDED ALONE IN DECEMBER, IF SPAIN CAN PROVIDE SATISFAC-TORY ASSURANCES BY THAT TIME. INGERSOLL
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